

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 2012- \_\_\_\_**

**A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT UN-ADOPTING AS A WORK OF THE DISTRICT A PORTION OF THE DEER FENCE CANAL (G-3W) COMPRISING APPROXIMATELY 0.41 ACRES MORE OR LESS IN HENDRY COUNTY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Resolution No. 2010-804, the Deer Fence Canal (G-3W) was adopted as a “Work of the District” in accordance with Section 373.086, Florida Statutes, making the canal and all facilities located within, over, or connected to the canal subject to the provisions of Chapter 40E-6 of the Florida Administrative Code;

**WHEREAS**, included in Resolution No. 2010-804 is a portion of the Deer Fence Canal comprising approximately 0.41 acres more or less (**Exhibit A**), which includes an existing bridge owned by H&H Farms, LLC, a Florida limited liability company, James P. Howell and Karen E. Howell;

**WHEREAS**, according to Mr. and Mrs. Howell, said bridge is the primary access across the Deer Fence Canal for several properties surrounding or near the Deer Fence Canal and subjecting said bridge to the provisions of Chapter 40E-6 of the Florida Administrative Code could result in a loss of access and removal of the bridge, exposing the Howells and the District to potential disputes;

**WHEREAS**, pursuant to a request from H&H Farms, LLC, James P. Howell and Karen E. Howell, the District has determined that it is in the public interest to “Un-adopt” as a “Work of the District” the 0.41 portion of the Deer Fence Canal shown in Exhibit A and, therefore, that the provisions of Chapter 40E-6 of the Florida Administrative Code no longer apply to the 0.41 acres or the bridge; and;

**WHEREAS**, pursuant to a Perpetual Drainage, Canal Right of Way and Access Easement agreement between the District and H&H Farms, LLC, a Florida limited liability company, James P. Howell and Karen E. Howell, the 0.41 acres and bridge will be subject to criteria designed to ensure that the District’s current and future ability to operate, maintain, and/or improve the Deer Fence Canal is protected in perpetuity.

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Board of the South Florida Water Management District:

**Section 1.** The Governing Board of the South Florida Water Management District hereby “Un-adopts” as a “Work of the District” the portion of the Deer Fence Canal (G-3W) comprising approximately 0.41 acres more or less, Hendry County, Florida, as shown in Exhibit A.

**Section 2.** This Resolution shall take effect immediately upon adoption.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2012.

**SOUTH FLORIDA WATER MANAGEMENT**

**DISTRICT, BY ITS GOVERNING BOARD**

**ATTEST:**

\_\_\_\_\_

District Clerk

(Seal)

By: \_\_\_\_\_

Chair

Legal Form Approved:

By: \_\_\_\_\_

Office of Counsel